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MATTER BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, N.W., Room 222
Washington, D.C. 20554

JUL 29 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Regarding - Amendment of Section 90.239 - Federal Communications Commission's Rules to Adopt Permanent Regulations for Automatic Monitoring Systems: RM-8013; PR Docket No. 93-61; FCC No. 93-141.

**Reply Comments of the
International Bridge, Tunnel and Turnpike Association**

Introduction

The International Bridge, Tunnel and Turnpike Association (IBTTA), representing 300 toll facilities worldwide, asks the Federal Communications Commission (FCC) to carefully review and consider negative comments it has received from current and future parties operating Electronic Toll and Traffic Management (ETTM) systems in the 900 MHz spectrum regarding the proposed changes to existing interim rules when allocating this band's limited radio frequency as discussed in the Commission's Notice of Proposed Rulemaking (NPRM), PR 93-61.

Guaranteed Radio Frequency Necessary to Meet ISTEA and Clean Air Goals

Enactment of the *Intermodal Surface Transportation Efficiency Act of 1991* (ISTEA) and the *Clean Air Act Amendments of 1990* recognize the important contributions toll financing and highway technology make to national mobility, productivity and clean air goals.

Comments submitted in response to this docket illustrate how recent technological advances (such as ETTM systems) are already enabling the toll industry to implement ISTEA goals and to help enhance air quality. ETTM customers can pay tolls in a hands-free, non-stop environment at highway speeds. ETTM provides added toll plaza capacity, reduced fuel consumption, less congestion, cleaner air and increased productivity.

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In the United States, there are at least sixteen agencies with ETTM systems installed, or currently in the installation process. These agencies collectively handle approximately 54 percent of the annual toll traffic in the U.S. This amounts to slightly over two billion transactions processed by these authorities each year.

Applying electronic toll collection to additional Intelligent Vehicle Highway Systems (IVHS) applications, ETTM will provide important traffic management functions. These include the monitoring, collecting and reporting of real-time congestion information to motorists. ETTM also will make possible the use of congestion pricing tests, provided for in ISTEA.

Toll agencies and highway officials require adequate, reliable and obtainable radio spectrum to continue serving the needs of the motoring public while expanding their services to achieve the full potential of ISTEA and important clean air objectives.

Congressional Support for Maximum Flexibility When Obtaining Radio Frequency

IBTTA asks the Commission to seriously weigh the sentiment expressed by the Senate Appropriations Committee in its report language to H.R. 2519, a measure which would fund the FCC for fiscal year 1994 (S.Rpt. 103-105, page 39. Author's emphasis added.):

The Committee also supports the adoption of automatic vehicle monitoring and automatic vehicle identification rules that, consistent with the policies and goals of the Intelligent Vehicle Highway Systems Act of 1991 [a section in ISTEA], would promote the development and implementation of intelligent vehicle highway systems by providing access to essential electronic spectrum and enable public entities to install IVHS as part of their transportation infrastructure. The Committee is concerned that the rules proposed in Docket No. 93-61 may inhibit such development and impede operational tests approved by this Committee. The Committee generally encourages rules that maximize flexibility for users selecting competing AVM systems.

Transportation Technology Top Goal for DOT

Federico Pena, Secretary of the U.S. Department of Transportation, when addressing the National Press Club earlier this month, stated that the development of new transportation technology is one of five goals he has established for the Department. Citing electronic toll collection as one example, he noted that the United States is in a unique position to promote continued ingenuity worldwide.

IBTTA strongly believes that innovative foresight, public and private monetary investments, and overall efforts made by the Administration, Capitol Hill and the industry when serving the motoring public, addressing highway capacity needs and contributing to clean air goals, could be "cancelled out" if the FCC adopts rules that would not provide necessary and guaranteed radio frequency to effectively operate ETTM and IVHS services.

Conclusion

The Association supports the FCC in its desire to better accommodate the radio spectrum needs of all users operating in the 900 - 928 MHz band. As discussed in our statement filed June 22, IBTTA continues to stress that adoption of this particular NPRM, however, would lead to the potential disruption of IVHS and ETTM research and development by:


1. promoting exclusivity for wide-band uses while limiting available bandwidth for other IVHS applications;
2. reducing ETTM user status due to possible existing interference;
3. jeopardizing public investments already made for ETTM systems;
4. diminishing system reliability by constraining allowable spillover;
5. not providing needed build-out protections; and,
6. delaying pending deployment.

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Granting this NPRM would jeopardize toll agencies that currently use ETTM applications successfully throughout the United States. It would also seriously hamper those agencies planning to use ETTM in the future. Highway officials could lose the ability to use proven technology to meet regional transportation and telecommunications needs.

The Commission is encouraged to evaluate and observe these and similar concerns raised by other commentators as it promulgates this regulatory rulemaking process.

Respectfully submitted,


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